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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,962	03/30/2001	Carl Robert Posthuma	LUC-159/Posthuma 28	3887
7590	07/08/2005		EXAMINER	
Carmen B Patti/Robert J Brill Grossman Patti & Brill 300 West Washington Street Suite 1200 Chicago, IL 60606				MOORE, IAN N
		ART UNIT	PAPER NUMBER	2661
DATE MAILED: 07/08/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/821,962	POSTHUMA, CARL ROBERT	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ian N. Moore	2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 05 January 2005.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-10, 15-17, 19-36, 38-55, 57 and 58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-10, 15-17, 19-36, 38-55, 57 and 58 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### ***Response to Amendment***

1. An objection to the abstract is withdrawn since it is being amended accordingly.
2. Claim objections, on claims 4-8,14,20,24,40,52,53,57 and 58 are withdrawn since they are being amended accordingly.
3. Claim rejection under 35 USC § 112 second paragraph, on claims 7-10,17-47,56,58 are withdrawn since clarifications are being made accordingly.
4. The indicated allowability of claims 48-53 are withdrawn.
5. Claims 1-10,15-17,19-36,38-55,57-58 are rejected by the new and old ground(s) of rejections.

### ***Double Patenting***

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7. Claim 1,4,31,33,42,48 of the instant application merely broadens the scope of the claims 1,13,18 of the Patent (U.S. 6,898,280) by eliminating the elements (i.e. symmetric and asymmetric digital subscriber signals) and their functions of the claims

and adding inherent and well-known elements (i.e. ISDN, a controller). It has been held that the omission an element and its function is an obvious expedient if the remaining elements perform the same function as before. *In re Karlson*, 136 USPQ 184 (CCPA). Also note *Ex parte Rainu*, 168 USPQ 375 (Bd.App.1969); omission of a reference element whose function is not needed would be obvious to one skilled in the art.

### ***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-6, 15, 48 and 49 are rejected under 35 U.S.C. 102(e) as being anticipated by Valentine (US006356547B1).

**Regarding Claim 1**, Valentine discloses a line card (see FIG. 2, a line circuit 75 or FIG. 3, a line circuit 100) for a telecommunication system (see FIG. 1, a communication system; see col. 3, lines 35-37; see col. 7, lines 5-7), comprising:  
a multiple mode circuit (see FIG. 3, a line circuit 100 or FIG. 2, a line circuit 75) that supports a plurality of telecommunications services including xDSL telecommunication service (see FIG. 3, XDSL), ISDN telecommunication service

(see FIG. 3, ISDN), and POTS service (see FIG. 3, POTS); see col. 7, lines 8-21, see col. 5, lines 60-67),

the multiple mode circuit including a controller (see FIG. 2 or 3, a combined system of DSP 66 and store algorithms (memory) 68) that receives the instructions from an external device (see FIG. 1, O/M center 50; see FIG. 2, O/M interface 52) with regard to the plurality of telecommunication services (see col. 5, lines 44-50; see col. 6, lines 1-15; see col. 7, lines 22-59), wherein the external device comprises one of a broad band element management system, a PSTN switch, and a PSTN maintenance center (see FIG. 1, O/M center 50, Operations management center 50; see col. 5, lines 44-50; see col. 6, lines 1-15; see col. 7, lines 22-59).

**Regarding Claim 2,** Valentine discloses a first circuit interface that supports xDSL service (see FIG. 1, line circuit 41 or FIG. 3, XDSL interface 106; see col. 4, lines 14-46; see col. 7, lines 8-21).

**Regarding Claim 3,** Valentine discloses wherein the first interface supports at least one of asymmetric digital subscriber line service, asymmetric digital subscriber line lite service, and very high bit rate digital subscriber line service (see FIG. 3, ADSL, HDSL interface 106; see col. 4, lines 14-46; see col. 7, lines 8-21).

**Regarding Claim 4,** Valentine discloses a line card (see FIG. 2, a line circuit 75 or FIG. 3, a line circuit 100) for a telecommunication system (see FIG. 1, a communication system; see col. 3, lines 35-37; see col. 7, lines 5-7), comprising:  
a multiple mode circuit (see FIG. 3, a line circuit 100 or FIG. 2, a line circuit 75) that supports a plurality of telecommunications services including xDSL

telecommunication service (see FIG. 3, XDSL), ISDN telecommunication service (see FIG. 3, ISDN), and POTS service (see FIG. 3, POTS); see col. 7, lines 8-21, see col. 5, lines 60-67),

the multiple mode circuit comprises a first circuit interface that supports xDSL service substantially concomitant (see FIG. 1, line circuit 41 or FIG. 3, XDSL interface 106) with at least one of the POTS service and the ISDN service on a signal subscriber line (see FIG. 1 and 3, POTS and ISDN; see col. 4, lines 14-46; see col. 7, lines 8-21; interface providing various services operates simultaneously/concomitant since various services are coupled in parallel).

**Regarding Claim 5**, Valentine discloses a second interface that supports at least one of the ISDN telecommunication service and the POTS service (see FIG. 1, line circuit 41 or FIG. 3, ISDN and POTS interface 106; see col. 7, lines 8-21, see col. 5, lines 60-67).

**Regarding Claim 6**, Valentine discloses wherein the second interface supports at least one of 2B1Q ISDN service and 4B3T ISDN service (see FIG. 1, line circuit 41 or FIG. 3, ISDN interface 106; see col. 7, lines 8-21, see col. 5, lines 60-67; ISDN link is 2B1Q).

**Regarding Claim 15**, Valentine discloses wherein the controller is capable of changing the configuration during a communication session (see col. 5, lines 1-43; see col. 6, lines 1-65; see col. 7, lines 10-44; update/change the configuration in/during a communication circuit/line/connection).

**Regarding Claim 48,** Valentine discloses a method for supporting multiple telecommunication services in a line card (see FIG. 2, a line circuit 75 or FIG. 3, a line circuit 100 and see FIG. 3, DSP 66) comprising the steps of:

selecting either a first operational mode or a second operational mode for the line card (see FIG. 3, 106 A-E; see col. 7, lines 6-30; see col. 5, lines 552-65; tuning to the services/bands/modes among A-E services/bands/modes), wherein the first operational mode provides substantial concomitant operation of xDSL telecommunication service and POTS service (see col. 7, lines 8-21, see col. 5, lines 60-67; xDSL and POTS), and the second operational mode provides substantial concomitant operation of xDSL telecommunication service and ISDN telecommunication service (see col. 7, lines 8-21, see col. 5, lines 60-67; XDSL);

if the first operational mode is selected, separating xDSL telecommunication signals and POTS signals, and processing the xDSL telecommunication signals and the POTS signals (see col. 7, lines 6-30; see col. 5, lines 552-65; separately processing xDSL and POTS);

if the second operational mode is selected, separating xDSL telecommunication signals and ISDN signals, and processing the xDSL telecommunication signals and the ISDN signals (see col. 7, lines 6-30; see col. 5, lines 552-65; separately processing xDSL and ISDN).

**Regarding Claim 49,** Valentine discloses receiving instructions from an external device (see FIG. 1, O/M center 50; see FIG. 2, O/M interface 52) regarding

which operational mode to select (see col. 5, lines 44-50; see col. 6, lines 1-15; see col. 7, lines 22-59).

10. Claim 48 is rejected under 35 U.S.C. 102(e) as being anticipated by Rippin (US006741604B1).

**Regarding Claim 48**, Rippin discloses a method for supporting multiple telecommunication services in a line card (see FIG. 2, a line card within central office 32) comprising the steps of:

selecting either a first operational mode (see FIG. 2, line equipment 45) or a second operational mode for the line card (see FIG. 2, line equipment 41), wherein the first operational mode provides substantial concomitant operation of xDSL telecommunication service and POTS service (see FIG. 2, ADSL 48 and POTS 46), and the second operational mode provides substantial concomitant operation of xDSL telecommunication service and ISDN telecommunication service (see FIG. 2, ADSL 44 and ISDN 42); see col. 6, lines 58 to col. 7, lines 29;

if the first operational mode is selected (see FIG. 2, equipment 45), separating xDSL telecommunication signals and POTS signals, and processing the xDSL telecommunication signals and the POTS signals (see FIG. 2 and 4, SPLIT 35; separately processing ADSL and POTS; see col. 8, lines 2-21);

if the second operational mode is selected (see FIG. 2, equipment 41), separating xDSL telecommunication signals and ISDN signals, and processing the

xDSL telecommunication signals and the ISDN signals (see FIG. 2 and 6, SPLIT 33; separately processing xDSL and ISDN; see col. 8, lines 63 to col. 9, lines 54).

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Valentine in view of Barker (US006470020B).

Regarding Claim 9, Valentine does not explicitly disclose P-Phone services. However, providing p-phone service is well known in the art. In particular, Barker discloses p-phone services (see abstract; see FIG. 1, p-phone; see col. 1, lines 25-40; see col. 6, lines 64 to col. 7, lines 36). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Valentine, by providing p-phone services, as taught by Barker. The motivation to combine is to obtain the advantages/benefits taught by Barker since Barker states at col. 1, line 25-60, col. 2, lines 25-30; col. 3, lines 35-50 that such modification would provide stimulus singling protocol of p-phone for business handsets, and overcome prior problems by integrating stimulus signaling protocol communication system with message protocol communication system.

Alternatively, Valentine teaches xDSL services, ISDN, POTS, ADSL, HDSL services, and emerging variety of xDSL services at the line card of the central office. Providing additional p-phone services at the interface do not define a patentable distinct invention over that in the system of Valentine since both the invention as a whole and the system of Valentine is directed to providing different services at the central office. The degree in which providing two additional services presents no new or unexpected results, so long as different plurality of services is provided in a successful way. Therefore, to provide p-phone services would have been routine experimentation and optimization in the absence of criticality.

13. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Valentine in view of Starr (US006324167B1).

**Regarding Claim 10,** Valentine does not explicitly disclose DAML services. However, providing DAML service is well known in the art. In particular, Starr discloses DAML services (see FIG. 2A, DAML 64 and DAML 58; see col. 2, lines 50 to col. 3, lines 11). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Valentine, by providing DAML services, as taught by Starr. The motivation to combine is to obtain the advantages/benefits taught by Starr since Starr states at col. 2, lines 1-29 that such modification would derive additional communication channels wherein each additional communication channel is modulated into a separated frequency band by way to a separated transceiver unit such as a DAML.

Valentine teaches xDSL services, ISDN, POTS, ADSL, HDSL services, and emerging variety of xDSL services at the line card of the central office. Providing additional DAML services at the interface do not define a patentable distinct invention over that in the system of Valentine since both the invention as a whole and the system of Valentine is directed to providing different services at the central office. The degree in which providing two additional services presents no new or unexpected results, so long as different pluralities of services are provided in a successful way. Therefore, to provide DAML services would have been routine experimentation and optimization in the absence of criticality.

14. Claims 16 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Valentine in view of Heidari (US006512739B1).

**Regarding Claim 16**, Valentine does not explicitly disclose changing based upon information received via a handshake signal. However, changing based upon information received via a handshake signal is well known in the art. In particular, Heidari discloses wherein the controller (see FIG. 3, DSP 372) changes the configuration during a communication session based on information received via a handshake signal (see col. 6, lines 40 to col. 7, lines 35). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Valentine, by changing based upon set/up (i.e. handshake) signal, as taught by Heidari. The motivation to combine is to obtain the advantages/benefits taught by Heidari since Heidari states at col. 2, lines 20-49 that

such modification would provide access to these higher frequency ranges at a reduced cost, and without the complexity.

**Regarding Claim 50,** the claim, which has substantially disclosed all the limitations of the respective claim 16. Therefore, it is subjected to the same rejection.

15. Claims 7,8,17,19-25,27-31,33,34,38-43,45-47, and 51-53 rejected under 35 U.S.C. 103(a) as being unpatentable over Valentine in view of Ham (US006856682B1).

**Regarding claim 17,** Valentine discloses a line card (see FIG. 2, a line circuit 75 or FIG. 3, a line circuit 100) for a telecommunication system (see FIG. 1, a communication system; see col. 3, lines 35-37; see col. 7, lines 5-7), comprising: a multiple mode circuit (see FIG. 3, a line circuit 100 or FIG. 2, a line circuit 75) that supports a plurality of telecommunications services including xDSL telecommunication service (see FIG. 3, XDSL), and POTS service (see FIG. 3, POTS); see col. 7, lines 8-21, see col. 5, lines 60-67).

Valentine does not explicitly disclose POTS with PPM service wherein PPM service is any one of 12kHz PPM service or 16 kHz service. However, the above-mentioned claimed limitations are taught by Ham. In particular, Ham teaches a POTS with PPM service (see FIG. 2, POTS 14) and PPM service is any one of 12kHz PPM service or 16 kHz service (see col. 4, line 40-65; see col. 5, lines 35-40; see col. 8, lines 5-25; POTS with tax/billing/metering tones (i.e. PPM) services at 12k Hz or 16 kHz).

In view of this, having the system of Valentine and then given the teaching of Ham, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Valentine, by providing /billing/metering tones (i.e. PPM) services at 12k Hz or 16 kHz, as taught by Ham. The motivation to combine is to obtain the advantages/benefits taught by Ham since Ham states at col. 1, line 55 to col. 2, lines 20 that such modification would reduce or eliminate the processing of an input signal communicated on a telephone line and provide cost effective POTS splitter that provide billing/metering services tones).

**Regarding Claims 7 and 8,** Valentine does not explicitly disclose POTS with PPM service wherein PPM service is any one of 12kHz PPM service or 16 kHz service. However, the above-mentioned claimed limitations are taught by Ham. In particular, Ham teaches a POTS with PPM service (see FIG. 2, POTS 14) and PPM service is any one of 12kHz PPM service or 16 kHz service (see col. 4, line 40-65; see col. 5, lines 35-40; see col. 8, lines 5-25; POTS with tax/billing/metering tones (i.e. PPM) services at 12k Hz or 16 kHz).

In view of this, having the system of Valentine and then given the teaching of Ham, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Valentine, by providing /billing/metering tones (i.e. PPM) services at 12k Hz or 16 kHz, as taught by Ham. The motivation to combine is to obtain the advantages/benefits taught by Ham since Ham states at col. 1, line 55 to col. 2, lines 20 that such modification would reduce or

eliminate the processing of an input signal communicated on a telephone line and provide cost effective POTS splitter that provide billing/metering services tones).

**Regarding Claim 19**, the claim, which has substantially disclosed all the limitations of the respective claim 2. Therefore, it is subjected to the same rejection.

**Regarding Claim 20**, Valentine discloses the multiple mode circuit comprises a first circuit interface that supports xDSL service substantially concomitant (see FIG. 1, line circuit 41 or FIG. 3, XDSL interface 106) with one of the POTS service (see FIG. 1 and 3, POTS; see col. 4, lines 14-46; see col. 7, lines 8-21; interface providing various services operates simultaneously/concomitant since various services are coupled in parallel). Ham also discloses xDSL telecommunication service substantially concomitant (see FIG. 2, frequency component 3, ADSL) with one of POTS service (see FIG. 2, frequency component 1, POTS, telephone signals) and POTS with PPM service (see FIG. 2, frequency component 2 for POTS with tax/billing/metering tones (i.e. PPM) services; see col. 4, line 40-65; see col. 5, lines 35-40; see col. 8, lines 5-25).

**Regarding Claim 21**, the claim, which has substantially disclosed all the limitations of the respective claim 3. Therefore, it is subjected to the same rejection.

**Regarding Claim 22**, Valentine discloses a second interface that supports the POTS service (see FIG. 1, line circuit 41 or FIG. 3, POTS interface 106; see col. 7, lines 8-21, see col. 5, lines 60-67). Ham discloses a second interface that supports the POTS service (see FIG. 2, frequency component 1, POTS, telephone signals) and POTS with PPM service (see FIG. 2, frequency component 2 for POTS

with tax/billing/metering tones (i.e. PPM) services; see col. 4, line 40-65; see col. 5, lines 35-40; see col. 8, lines 5-25).

**Regarding Claim 23**, Valentine discloses wherein the multiple mode circuit supports ISDN service (see FIG. 3, ISDN; see col. 7, lines 8-21, see col. 5, lines 60-67).

**Regarding Claim 24**, the claim, which has substantially disclosed all the limitations of the respective claim 6. Therefore, it is subjected to the same rejection.

**Regarding Claim 25**, Valentine discloses wherein the multiple mode circuit supports the ISDN service substantially concomitant (see FIG. 3, ISDN; see col. 7, lines 8-21, see col. 5, lines 60-67) with the xDSL digital subscriber line services (see FIG. 3, XDSL; see col. 7, lines 8-21, see col. 5, lines 60-67).

**Regarding Claim 27**, Valentine discloses an automatic mode circuit that configures the multiple mode circuit (see FIG. 2 or 3, a combined system of DSP 66 and store algorithms (memory) 68; see col. 5, lines 44-50; see col. 6, lines 1-15; see col. 7, lines 22-59).

**Regarding Claim 28**, Valentine discloses wherein the automatic mode circuit configures the multiple mode circuit to operate a combination of the plurality of telecommunication services (see col. 5, lines 44-50; see col. 6, lines 1-15; see col. 7, lines 22-59).

**Regarding Claim 29**, Valentine discloses wherein the automatic mode circuit comprises: a controller (see FIG. 2 or 3, a combined system of DSP 66) that receives instructions with regard to the plurality of telecommunication services and

controls the multiple mode circuit in accordance with the instructions (see col. 5, lines 44-50; see col. 6, lines 1-15; see col. 7, lines 22-59).

**Regarding Claim 30,** Valentine discloses wherein the controller receives the instructions from an external device (see FIG. 1, O/M center 50; see FIG. 2, O/M interface 52; see col. 5, lines 44-50; see col. 6, lines 1-15; see col. 7, lines 22-59).

**Regarding Claim 31,** Valentine discloses a line card (see FIG. 2, a line circuit 75 or FIG. 3, a line circuit 100) for a telecommunication system (see FIG. 1, a communication system; see col. 3, lines 35-37; see col. 7, lines 5-7), comprising:  
a multiple mode circuit (see FIG. 3, a line circuit 100 or FIG. 2, a line circuit 75) that supports a plurality of telecommunications services including xDSL telecommunication service (see FIG. 3, XDSL), POTS service (see FIG. 3, POTS); see col. 7, lines 8-21, see col. 5, lines 60-67).

the multiple mode circuit including a controller (see FIG. 2 or 3, a combined system of DSP 66 and store algorithms (memory) 68) that receives the instructions from an external device (see FIG. 1, O/M center 50; see FIG. 2, O/M interface 52) with regard to the plurality of telecommunication services (see col. 5, lines 44-50; see col. 6, lines 1-15; see col. 7, lines 22-59) and configures the multiple mode circuit to operate a combination of the plurality of telecommunication service (see col. 4, lines 14-46; see col. 7, lines 8-21),

wherein the controller is capable of changing the configuration during a communication session (see col. 5, lines 1-43; see col. 6, lines 1-65; see col. 7, lines

10-44; update/change the configuration in/during a communication circuit/line/connection).

Valentine does not explicitly disclose POTS with PPM service. However, the above-mentioned claimed limitations are taught by Ham. In particular, Ham teaches a POTS with PPM service (see FIG. 2, POTS 14; see col. 4, line 40-65; see col. 5, lines 35-40; see col. 8, lines 5-25; POTS with tax/billing/metering tones (i.e. PPM) services at 12k Hz or 16 kHz).

In view of this, having the system of Valentine and then given the teaching of Ham, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Valentine, by providing POTS taxing/billing/metering tones (i.e. PPM) services at 12k Hz or 16 kHz, as taught by Ham. The motivation to combine is to obtain the advantages/benefits taught by Ham since Ham states at col. 1, line 55 to col. 2, lines 20 that such modification would reduce or eliminate the processing of an input signal communicated on a telephone line and provide cost effective POTS splitter that provide billing/metering services tones).

**Regarding Claim 33,** Valentine discloses a line card (see FIG. 2, a line circuit 75 or FIG. 3, a line circuit 100) for a telecommunication system (see FIG. 1, a communication system; see col. 3, lines 35-37; see col. 7, lines 5-7), comprising:  
a multiple mode circuit (see FIG. 3, a line circuit 100 or FIG. 2, a line circuit 75) that supports a plurality of telecommunications services including xDSL

telecommunication service (see FIG. 3, XDSL), POTS service (see FIG. 3, POTS); see col. 7, lines 8-21, see col. 5, lines 60-67),

wherein the multiple mode circuit is capable of concomitant operation of the xDSL telecommunication service (see FIG. 1, line circuit 41 or FIG. 3, XDSL interface 106) and the POTS with PPM telecommunication service (see FIG. 1 and 3, POTS and ISDN; see col. 4, lines 14-46; see col. 7, lines 8-21; interface providing various services operates simultaneously/concomitant since various services are coupled in parallel).

Valentine does not explicitly disclose POTS with PPM service. However, the above-mentioned claimed limitations are taught by Ham. In particular, Ham teaches a POTS with PPM service (see FIG. 2, POTS 14; see col. 4, line 40-65; see col. 5, lines 35-40; see col. 8, lines 5-25; POTS with tax/billing/metering tones (i.e. PPM) services at 12k Hz or 16 kHz).

In view of this, having the system of Valentine and then given the teaching of Ham, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Valentine, by providing POTS taxing/billing/metering tones (i.e. PPM) services at 12k Hz or 16 kHz, as taught by Ham. The motivation to combine is to obtain the advantages/benefits taught by Ham since Ham states at col. 1, line 55 to col. 2, lines 20 that such modification would reduce or eliminate the processing of an input signal communicated on a telephone line and provide cost effective POTS splitter that provide billing/metering services tones).

**Regarding Claim 34**, Valentine discloses wherein the multiple mode circuit is capable of concomitant operation of the xDSL telecommunication service (see FIG. 1, line circuit 41 or FIG. 3, XDSL interface 106) and the POTS telecommunication service (see FIG. 1 and 3, POTS and ISDN; see col. 4, lines 14-46; see col. 7, lines 8-21; interface providing various services operates simultaneously/concomitant since various services are coupled in parallel). Ham also discloses xDSL telecommunication service substantially concomitant (see FIG. 2, frequency component 3, ADSL) and POTS service (see FIG. 2, frequency component 1, POTS, telephone signals); see col. 4, line 40-65; see col. 5, lines 35-40; see col. 8, lines 5-25).

**Regarding Claim 38**, the claim, which has substantially disclosed all the limitations of the respective claim 8. Therefore, it is subjected to the same rejection.

**Regarding Claim 39**, Valentine discloses wherein the multiple mode circuit is capable of concomitant operation of the xDSL telecommunication service (see FIG. 1, line circuit 41 or FIG. 3, XDSL interface 106) and the ISDN telecommunication service (see FIG. 1 and 3, POTS and ISDN; see col. 4, lines 14-46; see col. 7, lines 8-21; interface providing various services operates simultaneously/concomitant since various services are coupled in parallel).

**Regarding Claim 40**, the claim, which has substantially disclosed all the limitations of the respective claim 6 or 24. Therefore, it is subjected to the same rejection.

**Regarding Claim 41,** the claim, which has substantially disclosed all the limitations of the respective claim 3 or 21. Therefore, it is subjected to the same rejection.

**Regarding Claim 42,** Valentine discloses a method for supporting multiple telecommunication services in a line card (see FIG. 2, a line circuit 75 or FIG. 3, a line circuit 100 and see FIG. 3, DSP 66) comprising the steps of:

selecting either a first operational mode or a second operational mode for the line card (see FIG. 3, 106 A-E; see col. 7, lines 6-30; see col. 5, lines 552-65; tuning to the services/bands/modes among A-E services/bands/modes), wherein the first operational mode provides substantial concomitant operation of xDSL telecommunication service and POTS service (see col. 7, lines 8-21, see col. 5, lines 60-67; xDSL and POTS), and the second operational mode provides substantial concomitant operation of xDSL telecommunication service (see col. 7, lines 8-21, see col. 5, lines 60-67; XDSL);

if the first operational mode is selected, separating xDSL telecommunication signals and POTS signals, and processing the xDSL telecommunication signals and the POTS signals (see col. 7, lines 6-30; see col. 5, lines 552-65; separately processing xDSL and POTS);

if the second operational mode is selected, processing the xDSL telecommunication signals and the POTS (see col. 7, lines 6-30; see col. 5, lines 52-65; separately processing xDSL).

Valentine does not explicitly disclose selecting POTS with PPM service, and separating xDSL telecommunication signals and POTS with PPM signals, and processing POST with PPM service. However, the above-mentioned claimed limitations are taught by Ham. In particular, Ham teaches wherein the first operational mode provides substantial concomitant operation of xDSL telecommunication service (see FIG. 2, frequency component 3, ADSL) and POTS service (see FIG. 2, frequency component 1, POTS, telephone signals), the second operational mode provides substantial concomitant operation of xDSL telecommunication service (see FIG. 2, frequency component 3, ADSL) and POTS with PPM service (see FIG. 2, frequency component 2 for POTS with tax/billing/metering tones (i.e. PPM) services; see col. 4, line 40-65; see col. 5, lines 35-40; see col. 8, lines 5-25),

if the first operational mode is selected, separating xDSL telecommunication signals and POTS signals (see FIG. 2, High pass filter 70 for ADSL and low pass filter 66 for POTS signals), and processing the xDSL telecommunication signals and the POTS signals (see col. 5, lines 45 to col.6, lines 64);

if the second operational mode is selected, separating xDSL telecommunication signals and POTS with PPM signals (see FIG. 2, High pass filter 70 for ADSL and band pass filter 62 for POTS tax/billing/metering tones/signals) and processing the xDSL telecommunication signals and the POTS with PPM signals (see col.6, lines 20 to col. 8, lines 26).

In view of this, having the system of Valentine and then given the teaching of Ham, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Valentine, by providing POTS taxing/billing/metering tones (i.e. PPM) services and separating/filtering xDSL telecommunication signals and POTS with PPM signals, as taught by Ham. The motivation to combine is to obtain the advantages/benefits taught by Ham since Ham states at col. 1, line 55 to col. 2, lines 20 that such modification would reduce or eliminate the processing of an input signal communicated on a telephone line and provide cost effective POTS splitter that provide billing/metering services tones).

**Regarding Claim 43,** Valentine discloses receiving instructions from an external device (see FIG. 1, O/M center 50; see FIG. 2, O/M interface 52) regarding which operational mode to select (see col. 5, lines 44-50; see col. 6, lines 1-15; see col. 7, lines 22-59).

**Regarding Claim 45,** Valentine discloses monitoring operation of the line card; and selecting an operational mode based on operation of the line card (see col. 5, lines 44-50; see col. 6, lines 1-15; see col. 7, lines 22-59).

**Regarding Claim 46,** the claim, which has substantially disclosed all the limitations of the respective claim 3, 21 or 41. Therefore, it is subjected to the same rejection.

**Regarding Claim 47,** the claim, which has substantially disclosed all the limitations of the respective claim 8 or 38. Therefore, it is subjected to the same rejection.

**Regarding Claim 51,** the claim, which has substantially disclosed all the limitations of the respective claim 45. Therefore, it is subjected to the same rejection.

**Regarding Claim 52,** the claim, which has substantially disclosed all the limitations of the respective claim 3, 21, 41, or 46. Therefore, it is subjected to the same rejection.

**Regarding Claim 53,** the claim, which has substantially disclosed all the limitations of the respective claim 6, 24, or 40. Therefore, it is subjected to the same rejection.

16. Claims 26 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Valentine in view of Ham as applied to claim 17 above, and further in view of Barker.

**Regarding Claim 26,** neither Valentine nor Ham not explicitly discloses P-Phone services. However, providing p-phone service is well known in the art. In particular, Barker discloses p-phone services (see abstract; see FIG. 1, p-phone; see col. 1, lines 25-40; see col. 6, lines 64 to col. 7, lines 36). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined system of Valentine and Ham, by providing p-phone services, as taught by Barker. The motivation to combine is to obtain the advantages/benefits taught by Barker since Barker states at col. 1, line 25-60, col. 2, lines 25-30; col. 3, lines 35-50 that such modification would provide stimulus singling protocol of p-phone for business handsets, and overcome prior problems by

integrating stimulus signaling protocol communication system with message protocol communication system.

Alternatively, Valentine teaches xDSL services, ISDN, POTS, ADSL, HDSL services, and emerging variety of xDSL services at the line card of the central office. Ham teaches POTS services, ADSL services, taxing/billing/metering services at the interface of the central office. Providing additional p-phone services at the interface do not define a patentable distinct invention over that in the system of Valentine since both the invention as a whole and the combined system of Valentine and Ham are directed to providing different services at the central office. The degree in which providing two additional services presents no new or unexpected results, so long as different plurality of services is provided in a successful way. Therefore, to provide p-phone services would have been routine experimentation and optimization in the absence of criticality.

**Regarding Claim 35,** the claim, which has substantially disclosed all the limitations of the respective claim 26. Therefore, it is subjected to the same rejection.

17. Claims 32 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Valentine in view of Ham, and further in view of Heidari (US006512739B1).

**Regarding Claim 32,** neither Valentine nor Ham explicitly discloses changing based upon information received via a handshake signal. However, changing based upon information received via a handshake signal is well known in the art. In particular, Heidari discloses wherein the controller (see FIG. 3, DSP 372) changes

the configuration during a communication session based on information received via a handshake signal (see col. 6, lines 40 to col. 7, lines 35). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined system of Valentine and Ham, by changing based upon set/up (i.e. handshake) signal, as taught by Heidari. The motivation to combine is to obtain the advantages/benefits taught by Heidari since Heidari states at col. 2, lines 20-49 that such modification would provide access to theses higher frequency ranges at a reduced cost, and without the complexity.

**Regarding Claim 44,** the claim, which has substantially disclosed all the limitations of the respective claim 32. Therefore, it is subjected to the same rejection.

18. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Valentine in view of Ham, and further in view of Starr (US006324167B1).

**Regarding Claim 36,** neither Valentine nor Ham explicitly discloses DAML services. However, providing DAML service is well known in the art. In particular, Starr discloses DAML services (see FIG. 2A, DAML 64 and DAML 58; see col. 2, lines 50 to col. 3, lines 11). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined system of Valentine and Ham, by providing DAML services, as taught by Starr. The motivation to combine is to obtain the advantages/benefits taught by Starr since Starr states at col. 2, lines 1-29 that such modification would derive additional communication channels wherein each additional communication channel is

modulated into a separated frequency band by way to a separated transceiver unit such as a DAML.

Valentine teaches xDSL services, ISDN, POTS, ADSL, HDSL services, and emerging variety of xDSL services at the line card of the central office. Providing additional DAML services at the interface do not define a patentable distinct invention over that in the system of Valentine since both the invention as a whole and the combined system of Valentine and Ham is directed to providing different services at the central office. The degree in which providing two additional services presents no new or unexpected results, so long as different pluralities of services are provided in a successful way. Therefore, to provide DAML services would have been routine experimentation and optimization in the absence of criticality.

19. Claims 54,55,57, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Valentine in view of Ham and further in view of Barker (US006470020B) and Starr (US006324167B1).

**Regarding Claim 54,** Valentine discloses a line card (see FIG. 2, a line circuit 75 or FIG. 3, a line circuit 100), comprising:

a first interface that supports a plurality of xDSL telecommunication services (see FIG. 1, line circuit 41 or FIG. 3, XDSL interface 106; see col. 7, lines 8-21, see col. 5, lines 60-67);

a controller (see FIG. 2 or 3, a combined system of DSP 66 and store algorithms (memory) 68)) that configures the first interface for one of the plurality of

xDSL telecommunication services and configures the second interface for one of the plurality of USVs (see col. 5, lines 44-50; see col. 6, lines 1-15; see col. 7, lines 22-59),

wherein the second interface supports ISDN telecommunication service, POTS service (see FIG. 1, line circuit 41 or FIG. 3, ISDN and POTS interface 106; see col. 7, lines 8-21, see col. 5, lines 60-67).

Valentine does not explicitly disclose PPM service. However, the above-mentioned claimed limitations are taught by Ham. In particular, Ham teaches a POTS with PPM service (see FIG. 2, POTS 14; see col. 4, line 40-65; see col. 5, lines 35-40; see col. 8, lines 5-25; POTS with tax/billing/metering tones (i.e. PPM) services at 12k Hz or 16 kHz).

In view of this, having the system of Valentine and then given the teaching of Ham, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Valentine, by providing /billing/metering tones (i.e. PPM) services, as taught by Ham. The motivation to combine is to obtain the advantages/benefits taught by Ham since Ham states at col. 1, line 55 to col. 2, lines 20 that such modification would reduce or eliminate the processing of an input signal communicated on a telephone line and provide cost effective POTS splitter that provide billing/metering services tones).

Neither Valentine nor Ham explicitly discloses P-Phone services and Digital Added Mainline (DAML) service. Valentine teaches xDSL services, ISDN, POTS, ADSL, HDSL services, and emerging variety of xDSL services at the line card of the

central office. Ham teaches POTS services, ADSL services, taxing/billing/metering services at the interface of the central office. Providing additional p-phone and DAML services at the interface do not define a patentable distinct invention over that in the combined system of Valentine and Ham since both the invention as a whole and the combined system of Valentine and Ham are directed to providing different services at the central office. The degree in which providing two additional services presents no new or unexpected results, so long as different pluralities of services are provided in a successful way. Therefore, to provide p-phone and DAML services would have been routine experimentation and optimization in the absence of criticality.

Alternatively, neither Valentine nor Ham explicitly discloses P-Phone services. However, providing p-phone service is well known in the art. In particular, Barker discloses p-phone services (see abstract; see FIG. 1, p-phone; see col. 1, lines 25-40; see col. 6, lines 64 to col. 7, lines 36). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined system of Valentine and Ham, by providing p-phone services, as taught by Barker. The motivation to combine is to obtain the advantages/benefits taught by Barker since Barker states at col. 1, line 25-60, col. 2, lines 25-30; col. 3, lines 35-50 that such modification would provide stimulus singling protocol of p-phone for business handsets, and overcome prior problems by integrating stimulus signaling protocol communication system with message protocol communication system.

Alternatively, neither Valentine, Ham nor Barker explicitly discloses DAML services. However, providing DAML service is well known in the art. In particular, Starr discloses DAML services (see FIG. 2A, DAML 64 and DAML 58; see col. 2, lines 50 to col. 3, lines 11). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined system of Valentine, Ham and Barker, by providing DAML services, as taught by Starr. The motivation to combine is to obtain the advantages/benefits taught by Starr since Starr states at col. 2, lines 1-29 that such modification would derive additional communication channels wherein each additional communication channel is modulated into a separated frequency band by way to a separated transceiver unit such as a DAML.

**Regarding Claim 55**, the claim, which has substantially disclosed all the limitations of the respective claim 3, 21, 41, 46, or 52. Therefore, it is subjected to the same rejection.

**Regarding Claim 57**, the claim, which has substantially disclosed all the limitations of the respective claim 6, 24, 40, or 53. Therefore, it is subjected to the same rejection.

**Regarding Claim 58**, the claim, which has substantially disclosed all the limitations of the respective claim 8, 38, or 47. Therefore, it is subjected to the same rejection.

***Response to Arguments***

20. Applicant's arguments with respect to claims 1-10,15-17,19-36,38-55,57-58 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ian N. Moore whose telephone number is 571-272-3085. The examiner can normally be reached on M-F: 9:00 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

INM  
9/30/05

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